

GONE TO STATE PRISON

JAIL  
(Name) **ROBERT T. FORTE**  
(Address) **PO BOX 122952**  
(City, State, Zip) **SAN DIEGO CA 92112-2952**

MAILING ADDRESS  
**ROBERT T FORTE**  
**4727 SOLANA AVE #100**  
**SAN DIEGO CA 92113**  
CLERK OF DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTY

(CDC Image No.) **6456501**

2004	FILED
FILED	PAID
BY	FILED
BY	FILED
COPIES SENT TO	
Court	Prose

United States District Court  
Southern District of California

**Robert T. FORTE**  
(Enter full name of plaintiff in this action.)

Plaintiff,

v.

- 1 SAN DIEGO COUNTY Sheriff
- 2 SAN DIEGO COUNTY Sheriff
- 3 MEDICAL PROVIDER
- 4 COUNTY OF SAN DIEGO
- 5 PROVIDER

(Enter full name of each defendant in this action.)

Defendant(s).

'08 CV 1073 BEN JMA

Civil Case No. \_\_\_\_\_

(To be supplied by Court Clerk)

Complaint Under the  
Civil Rights Act  
42 U.S.C. § 1983

**A. Jurisdiction**

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

**B. Parties**

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff,

, who presently resides at

**ROBERT T FORTE**  
(print Plaintiff's name)  
**PO BOX 122952**  
(mailing address or place of confinement)  
**SAN DIEGO CA 92112-2952**  
, were violated by the actions

of the below named individuals. The actions were directed against Plaintiff at

**GEORGE F. BAILEY DETENTION FACILITY**

**SAN DIEGO CENTRAL JAIL / UCSD Hospital** on (dates)

(institution/place where violation occurred) **Medical Provider**

(Count 1)

(Count 2)

(Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant SAN Diego county sheriff resides in SAN DIEGO CALIF.  
(name) (County of residence)  
 and is employed as a IN A CAPACITY TO GUARDIAS GRANTED BY COURT This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law:

Defendant SAN Diego county sheriff STAFF medical  
medical Providers resides in SAN DIEGO CALIF.  
(name) (County of residence)  
 and is employed as a medical Provider For person IN custody of sheriff This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law:

Defendant CITY & COUNTY OF SAN DIEGO resides in SAN DIEGO CALIF.  
(name) (County of residence)  
 and is employed as a A Division of government/overseer This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law:

Defendant Dr. Chin  
UCSD Hospital/medical provider resides in UCSD medical center Hillcrest  
(name) (County of residence)  
SAN DIEGO CA 92103-8916  
 and is employed as a medical ADVISOR AND PROVIDER OF INMATE CARE This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law:

For long periods Dr Chin who was  
 IN CHARGE OF PAIN MANAGEMENT Allowed my  
 PAIN I INCREASE TO THE POINT OF GRINDING TEETH  
 When I Explain this to him, EVEN AFTER OTHER DOCTORS  
 Agree I Need more pain med Chin made me suffer  
 Refusing to INCREASE KNOWING THAT IT WAS NEEDED  
 Teeth ground Down to GUM LINE severe pain couldn't EAT  
 Hot Cold Fold AIR Hurt my mouth

**C. Causes of Action** (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: **Right to medical care**  
(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

SEE Appendix #3

I WAS LEFT TO suffer with PAIN medication

At the point medication was given condition was severe, Doctor working jail push off

Treatment 14 month I waited I for surgery it never came, Pain is so

severe I grinded Teeth Down to Gum LINE, Ate, Hot, Cold Hurt mouth

INTOLERABLE PAIN In hip Butt & Legs

Medication never stop PAIN to give normal DAY, constant suffering.

Count 2: The following civil right has been violated: FREEDOM FROM CRUEL AND UNUSUAL PUNISHMENT  
(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

SEE Appendix 1 & 3

Count 3: The following civil right has been violated: DUE PROCESS  
(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

**Supporting Facts:** [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 3.]

SEE Appendix 1 § 3

**D. Previous Lawsuits and Administrative Relief**

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? ☐ Yes ☒ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: N/A

Defendants: —

(b) Name of the court and docket number: —

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] —

(d) Issues raised:

—  
—  
—  
—

(e) Approximate date case was filed: —

(f) Approximate date of disposition: —

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☒ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

RELIEF WAS SOUGHT THROUGH SD COUNTY SHERIFF INMATE GRIEVANCE process. Ref #PAGE 2 sec. B Medical Complaint AND REQUEST FOR Medical care is shown IN sec B. of PAGE ONLY TWO GRIEVANCES ANSWERED

THE COURT NEW I WAS IN CUSTODY AND WAS BALS  
WOULDN'T ASST IN FIND DOCTOR WITH SUMMONS  
I WOULD SEND SUMMONS TO JAIL WHERE DOCTOR WORKS  
RECEIVED ANSWER UNABLE TO SERVE!

**E. Request for Relief**

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): *Defendant must pay for said Surgery of Plaintiff's left hip & Rehab, Because of Neglect other surgeries maybe needed, Future Appt with ortho specialists AND Future medical care for hips/Both left/right BACK/Lower, mid Knees Both.*
2. Damages in the sum of \$ *500 000.00*
3. Punitive damages in the sum of \$ *1.500 000.00*
4. Other: *? UNKNOWN At this time.*

**F. Demand for Jury Trial**

Plaintiff demands a trial by ☒ Jury ☐ Court. (Choose one.)

**G. Consent to Magistrate Judge Jurisdiction**

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:



Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR



Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

I declare under the penalty of perjury that the foregoing is true and correct.

*6-26-07*

Date

*Robert P. Fule*  
Signature of Plaintiff

Appendix 1

Robert T. Fortin  
 Po Box 122952  
 SAN DIEGO CA 92112  
 CASE 2007-77254

SUPERIOR COURT OF CALIFORNIA  
 County of San Diego  
 Hall of Justice 330 W. Broadway Dept 66  
 SAN DIEGO CA, 92101-3827  
 Judge: Charles R. Hayes

Dear Judge Hayes

My complaint is not alleged denial of surgical procedures  
 It is a complaint of clear case of Deliberate Indifference  
 It is clear to me that the court did not agree with my complaint

That Defendant failed to comply with provide me with information, I  
 AS A INMATE WAS NOT GIVEN, MAKING IT UNREASONABLE HARD  
 TO SERVE PARTIES, Party 1 Medical Director of county jail, who is not  
 NAMED. Parties 2. You list them as a subdivision of the Sheriff Dept  
 the Nurses & Doctors who ARE EMPLOYED. These ARE the parties, medical providers  
 THAT I TRIED TO SERVE. It is clear medical staff was served, here  
 WE HAVE A CASE OF FAILING TO BE EXACT! AGAIN IF I'M NOT GIVEN  
 INFORMATION BECAUSE OF MY STATUS AS A INMATE BECAUSE OF policy & procedure  
 IT IS UNFAIR OF THE DEFENDANT TO NOT BE SEVERE AS YOU I INTERPRET  
 THEM TO BE. 3 BRUCE LEIGHT IS A COUNTY EMPLOYEE HE WAS  
 ALSO SERVED IF HIS LOCATION FOR SAFETY REASON AGAIN  
 BECAUSE OF MY STATUS IS NOT GIVEN HOW CAN I CORRECTLY SERVE!  
 I AM INCLOSING DOCUMENT TO PROVE THAT VALIT ATTEMP WAS MADE

Also The First Cause of Action sheet is still missing it was never returned  
 The second Cause of Action is the BASES of my complaint SOMEONE IN THE  
 medical Dept WAS TOLD TO DO THIS ACTION. TO INTENTIONALLY SCHEDULED MY APPOINTMENT  
 ON COURT DATES THUS PUSH MY CARE & TREATMENT OFF FOR MONTHS - THIS IS WHAT CAUSE  
 PAIN & SUFFERING THE DEFENDANT ATTEMPT TO CHANGE THE PICTURE TO THE ISSUE  
 OF DEMURRER IS NOT THE BASES, ALSO THE COURT FILE IS INCOMPLETE  
 MY ISSUES ARE FOR DAMAGES BUT THE PARTIES ARE NOT JUST THE ENTRY (COUNTY)  
 ITS EMPLOYEE ARE RESPONSIBLE FOR THESE EVENTS! AND policy & procedure ARE NEGLIGENT



third.

I. A Physician treating a patient who suffers from severe chronic intractable pain may prescribe a dosage deemed medically necessary to relieve severe chronic intractable pain as long as the prescribing is in conformance with the provisions of the California Intractable Pain Treatment Act, section 2241.5 of the Business and Professions Code.

J. A Patient who suffers from severe chronic intractable pain has the option to choose opiate medication for the treatment of the severe chronic intractable pain as long as the prescribing is in conformance with the provision of the California Intractable Pain Treatment Act, section 2241.5 of the Business and Professions Code "was never given choice"

K. The patient's physician may refuse to prescribe opiate medication for a patient who request the treatment for severe chronic intractable pain. However, that physician shall inform the patient that there are physicians who specialize in the treatment of severe chronic intractable pain with methods that include the use of opiates.

## 124960. Legislative Finding And declarations

The LEGISLATIVE FINDS AND Declares All the Following:

A The state has A Right AND Duty TO control the Illegal use of Opiate Drugs

B INADEQUATE TREATMENT OF ACUTE AND CHRONIC PAIN ORIGINATING FROM CANCER OR NONCANCEROUS CONDITIONS IS A SIGNIFICANT HEALTH problem. " I KNOW I suffered FROM the problem

C. For some patients, PAIN MANAGEMENT IS THE SINGLE MOST Important treatment A physician CAN provide; "I WAS DENIED this option, even with A Referral

D. A Patient suffering FROM severe chronic INTRACTABLE PAIN should have Access To proper treatment of his or her PAIN "Denied")

E. Due To the Complexity of their problem, many patients suffering FROM severe chronic INTRACTABLE PAIN MAY REQUIRE Referral To A physician with expertist IN the treatment of severe chronic INTRACTABLE PAIN. IN SOME CASES severe

ROBERT T FORTE

Pro Per

PO BOX 122952

SAN DIEGO CA 92112-2952

INMATE NO 6456501, 7-A-10

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO, CIVIL DIVISION  
330 W BROADWAY

PO BOX 120128

SAN DIEGO CA 92112-0128

PLAINTIFF: Robert T Forte

VS

Defendant: 1. SAN DIEGO COUNTY SHERIFF  
2. SAN DIEGO COUNTY SHERIFF MEDICAL DEPT  
3. UCSD HOSPITAL / CONTRACTED MEDICAL PROVIDER

MOTIONS TO, AND FOR THE FOLLOWING:

1. COMPEL DISCOVERY OF PLAINTIFF COMPLETE MEDICAL RECORDS  
FROM UCSD HOSPITAL, AND SAN DIEGO COUNTY JAIL MEDICAL OFFICE  
RECORDS, NOTES X RAY FILM, NOT LIMITED TO COMPUTER RECORDS BY DR.'S2. COMPEL DISCOVERY OF INMATE GRIEVANCE REPORTS / DETENTION  
SERVICES OF SHERIFF OF SAN DIEGO, ALL FACILITIES, ALL GRIEVANCES

FILE BY PLAINTIFF FROM 11:30-06 THUR -07.

PLAINTIFF REQUEST THE NEED OF A MEDICAL EXPERT AS WITNESSES, TO BE NAMED  
AT LATER DATE.MEMORANDUM IN SUPPORT OF PLAINTIFF MOTION TO COMPEL  
DISCOVERY.

CODE OF CIVIL PROCEDURE 425.12

CALIF. PENAL # 423.4 423.5 423.6

Robert Forte, 7-07-7 Ruffel

DATE

Ordered By Judge

SHORT TITLE:	CASE NUMBER:
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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle  
b. ☒ General Negligence  
c. ☒ Intentional Tort  
d. ☐ Products Liability  
e. ☐ Premises Liability  
f. ☒ Other (specify):

I, Robert T Forte, currently in the custody of the San Diego County Sheriff's House at G.B.F. George F Bailey Detention Facility Main Line, then 2-A Medical Ward/Medical Isolation Ward TWICE, now as of 5/07 House 7-A San Diego Central Jail CLAIM THAT UNDER THE COBE OF THE LAW, INMATES MEDICAL CONDITIONS AND EXPERT MEDICAL FINDING OF UCSD MEDICAL, UNDER CONTRACT TO SAN DIEGO COUNTY SHERIFF MEDICAL DEPARTMENT, SAN DIEGO COUNTY SHERIFF HAS CONSISTENTLY DENIED SURGICAL PROCEDURE. THAT UCSD ORTHOPEDIC SPECIALIST AND UCSD GENERAL MEDICAL DOCTORS STATE IS NEEDED BY INMATE. BEING UNDER CONTROL/SUPERVISION OF SAN DIEGO COUNTY SHERIFF I Robert T Forte MUST AT HERE TO UNFAVORABLE CONDITIONS, THUS CAUSING INMATE UNDOE PAIN & SUFFERING

11. Plaintiff has suffered

- a. ☐ wage loss  
b. ☐ loss of use of property  
c. ☐ hospital and medical expenses  
d. ☒ general damage  
e. ☐ property damage  
f. ☒ loss of earning capacity  
g. ☒ other damage (specify):

DEFENDANTS NEGLIGENCE BY ALLOWING PLAINTIFF CONDITIONS TO DEGRADATE, LIMITING POSSIBLE TREATMENTS, DELAYS ARE CAUSING MORE DAMAGE TO OTHER JOINT KNEES/ANKLES UNWARRANT PAIN

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.  
b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

YES

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages  
(2) ☒ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☐ according to proof  
(2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

3 page complaint sec, A, B, C, Also Attachments, SEE Motion Request

Brief 4 page. Appendix #1 page #3 motions

Date:

6-22-07 Robert T Forte

(TYPE OR PRINT NAME)

Robert T Forte Pro PER

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

1. ROBERT T FORTÉ : PLAINTIFF

1. SAN DIEGO COUNTY SHERIFF DEPT : DEFENDANTS

2. SAN DIEGO COUNTY SHERIFF MEDICAL STAFF / MEDICAL PROVIDER

3. ~~SAN DIEGO COUNTY SHERIFF MEDICAL STAFF / MEDICAL PROVIDER UNDER CONTRACT TO THE SHERIFF OF SD~~

3. SAN DIEGO COUNTY.

### Brief

Authority: ARGUMENT

#### POINT 1

THE PLAINTIFF STATES A CLAIM UNDER THE EIGHTH AMENDMENT.

A. THE PLAINTIFF HAS A SERIOUS MEDICAL NEED.

THE DEFENDANTS IN THIS CASE ARGUE THE PLAINTIFF MEDICAL PROBLEM IS NOT "SERIOUS" CLAIMING THAT THE MEDICAL CONDITION: DEGENERATIVE JOINT DISEASE; A "SEVER" OSTEOARTHRITIS; IS ONLY MODERATE OSTEOARTHRITIS. DEFENDANTS 1, AND 2, MEMORANDUM OF LAW IS LIST ON INMATE GRIEVANCE REPORT #NO 74000995. THEY ARE WRONG FOR THE FOLLOWING REASON. FIRST THE COURTS GENERALLY AGREE THAT A MEDICAL NEED IS "SERIOUS" IF IT HAS BEEN DIAGNOSED BY A PHYSICIAN AS MANDATING TREATMENT...

JOHNSON V. BUSBEE, 953 F.2d 349, 351 (8th CIR. 1991);

GAUDREAU V. MUNICIPALITY OF SALEM, MASS., 923 F.2d 203, 208,

(1st CIR. 1990); MONMOUTH COUNTY CORRECTIONAL INSTITUTION INMATES V.

LANZARO, 834 F.2d 326, 347 (3d CIR. 1987), cert denied,

486 U.S. 1066 (1988); RAMOS V. LAMM, 639 F.2d 559, 575 (10th CIR. 1980)

CERT. DENIED, 450 U.S. 1041 (1981) AND CASES CITED.



IN THIS CASE, THE COUNTY JAIL MEDICAL PROVIDER, WHO IS ORTHOPEDIC SPECIALIST DOCTOR, THOUGHT THE PLAINTIFF PROBLEM WAS SERIOUS ENOUGH TO REQUIRE SURGERY AND ALSO PRESCRIBED MEDICATION FOR HIM. DEFENDANT # NO 3, ORTHOPEDIC SPECIALIST DOCTOR, FROM UNIVERSITY OF CALIFORNIA SAN DIEGO, CONTRACTED MEDICAL PROVIDER. WHILE PLAINTIFF IS IN CUSTODY OF THE SHERIFF OF SAN DIEGO COUNTY.

THE PLAINTIFF'S PROBLEM IS THERE "SERIOUS" UNDER THE HOLDINGS OF THE ABOVE CITED CASES.

SECOND, A MEDICAL CONDITION MAY BE SERIOUS IF IT "SIGNIFICANTLY AFFECTS AN INDIVIDUAL'S DAILY ACTIVITIES."

McGUCKIN V. SMITH, 974 F.2d 1050, 1060 (9th CIR. 1992).

PLAINTIFF'S CONDITION OF DEGENERATIVE JOINT DISEASE, OSTEOARTHRITIS, WHICH HAS DEFORMED THE ACETABULUM - THE CUP-SHAPED HOLLOW IN THE HIP BONE; I.E. INTO WHICH THE HEAD OF THE FEMUR FITS TO FORM A BALL AND SOCKET JOINT. THE COMPLAINT CONTENTS THAT FOR A PERIOD OF 7 MONTHS WHILE IN THE CUSTODY OF THE SHERIFF THIS MEDICAL CONDITION HAS CAUSED SERIOUS DETERIORATION IN THE AREA OF ACETABULUM; THUS CHANGING THE GATE OF PLAINTIFF WALKING; I.E. VERY SEVERE LIMP "SIGNIFICANTLY AFFECTS AN INDIVIDUAL'S DAILY ACTIVITIES."

McGUCKIN V. SMITH, 974 F.2d 1050, 1060 (9th CIR. 1992).

PLAINTIFF LEG AND HIP PAIN HAVE HAD SERIOUS CONSEQUENCES FOR HIM. THE PLAINTIFF ALLEGES THAT THE PAIN IN HIP/LEG AND LOW BACK ARE SO SERIOUS THAT AT TIMES, I AM UNABLE TO MOVE, READ, WRITE, EAT OR SLEEP. SEE ->

INMATE SERVICES # Report NO 74000995 ; PAIN PT Level 1 Thru 10, Average 9 Final 5-2-07 Plaintiff is started on Vicodin. Thus These conditions also significantly affect the plaintiff Normal Activities.

Finally, <sup>A</sup> Courts have Acknowledged that Conditions That cause significant pain are serious medical needs. *McGuckin v. Smith*, 974 F.2d 1050, 1060 (9th Cir. 1992) ("Chronic and substantial pain" indicates that a medical need is serious); *Boretti v. Wiscomb*, 930 F.2d 1150, 1154-55 (6th Cir. 1991) (Needless pain is actionable even if there is no permanent injury); *Dean v. Coughlin*, 623-F. Supp. 392, 404 (S.D.N.Y. 1985)

("Conditions that cause pain, discomfort, or threat to good health" are serious). This is true because a chief purpose of the Cruel and Unusual Punishments Clause is to prevent the "unnecessary and wanton infliction of pain."

*Estelle v. Gamble*, 429 U.S. at 104 (citation omitted).

The Complaint Alleges that the Plaintiff has suffered continual Bone Deterioration, significant and recurrent pain from left hip problem "Degenerative Joint Disease", Osteoarthritis while in the custody of the San Diego County Sheriff. This pain is sufficient to make the plaintiff medical need serious.

B. Complaint Alleges that Defendant: 3; medical provider UCSD Hospital Orthopedic specialist, states that Plaintiff need surgical procedure, Complaint also Alleges Defendant: 1 and 2, San Diego County Sheriff Dept.

AND SAN DIEGO COUNTY, Deprived plaintiff of Surgical Procedure. Complaint Alleges the Action WAS NOT GIVING Medical provider FREEDOM TO APPROVE SURGURY: IE COST AND CARE OF LEFT HIP REPLACEMENT STATEMENTS MADE ABOUT PROCEDURE, "WE'LL WAIT UNTIL HE GET OUT OF OUR CUSTODY OR GOES TO PRISON!")

C. COMPLAINT ALLEGES THAT THE ACTIONS OF DEFENDANTS 1: SAN DIEGO COUNTY 2: SAN DIEGO COUNTY SHERIFF DEPT. DENIED PLAINTIFF THE DUE PROCESS OF THE LAW. U.S. CONST. V." COMPLAINT ALLEGES THAT THE NEGLIGENCE ON THE DEFENDANTS 1 & 2, PART TOOK PLACE IN THE COURSE OF THESE ACTION ON JAN-23-07 PLAINTIFF USED THE INMATE GRIEVANCE PROCEDURE. SEE GRIEVANCE NO 74000171, TO FILE COMPLAINT OF IMPROPER MEDICAL CARE, ALSO TO ALLEGE THAT DUE TO NEGLIGENCE MEDICAL APPOINTMENTS WERE INTENTIONALLY SCHEDULED ON PLAINTIFF PRE-SCHEDULED COURT DATES THUS CAUSING DELAY IN TREATMENT INMATE MEDICAL RECORD FILE WILL REVEAL THAT THIS TYPE OF NEGLIGENT BEHAVIOR TOOK PLACE REPEATEDLY.

AS OF AUGUST 10 2007 I WAS PRE SCHEDULED TO SEE SPECIALIST FOR SURGURY. BUT AGAIN MEDICAL STAFF WITH KNOWLEDGE OF COURT DATE WHICH WAS IN COMPUTER SYSTEM INTENTIONALLY SCHEDULED MY SURGURY SPECIALIST TIME WITH COURT TIME TO PREVENT SURGICAL PROCEDURE AGAIN



Pro Rec

Robert Trachte

Complainant

SAN Diego County Sheriff Medical provide

Sec. A

The SAN Diego County Fail to Protect the Right to Due Process, 1<sup>st</sup> Amend. to Provide Plaintiff Protection under Constitution: 2<sup>nd</sup> Free From cruel and unusual Punishment. By the Denial of medical Procedure Pre Diagnose. By Orthopedic specialist At UCSD MEDICAL CENTER. IE THE BRANCH OF MEDICINE THAT DEALS WITH INJURIES OR DISORDERS OF THE SKELETAL SYSTEM. PLAINTIFF IS DIAGNOSED WITH A CONDITION "TERMED" DEGENERATIVE JOINT DISEASE, A SEVER OSTEoarthritis WHICH CAN ONLY BE CORRECTED BY A SURGICAL PROCEDURE. Hip Replacement, AN/OR Hip Resurfacing.<sup>4</sup> DUE TO THE LACK OF CARE ON THE PART OF THE DEFENDENT, DETERIORATION IN THE ACETABULUM AREA: IE ACETABULUM - THE CUP-SHAPED HOLLOW IN THE HIP BONE, INTO WHICH THE HEAD OF THE FEMUR FIT TO FORM A BALL AND SOCKET JOINT, THIS DETERIORATION IS CAUSED BY THE CHANGE IN THE GAIT OF THE PLAINTIFF WALKING PATTERN WHICH SHOULD HAVE BEEN SET BY 1<sup>st</sup> ORTHOPEDIC SINCE "2" HAD SAID SHE WAS WITH ORTHOPEDIC INSERTS. BEING THAT THESE PAIN MEDS ONLY TEMPORARILY HELP, ONLY SURGICAL REPLACEMENT OF JOINT WOULD BE HELPFUL. BY DEFENDENTS HABITUAL DENIAL OF THESE MEDICAL TREATMENT, THUS CAUSING CRUEL AND UNUSUAL PUNISHMENT, IE<sup>5</sup> THE RIGHT QUALIFIED MEDICAL CARE. ALSO IN THE SUPPORT OF CLAIM DEFENDENTS WITHHELD PAIN MEDICATION FROM THE PLAINTIFF CAUSING UNDUO SUFFERING, MEDICATION FOR PAIN WAS STARTED 5-1-07, TYPE OF MEDICATION: VIOXIN. PLAINTIFF HAD BEEN THE CUSTODY OF SHERIFF SINCE 11-25-06 PLAINTIFF STATES THE SAN DIEGO COUNTY SHERIFF HAS HAD KNOWLEDGE OF PLAINTIFF MEDICAL ON GOING CARE THROUGH UCSD.

Who is the contracted medical provider for the San Diego County Jail system.

Defendants Professional Relationship with contracted medical providers. Along the Defendant Accessible to Plaintiff medical history. By the Defendants having complete access to Plaintiff medical history, Failure to Follow the Letter of the Law is clear.

Sec # B.

A. Additional Discovery # SD. County Sheriff Inmate Grievance Report File By Plaintiff List By ARTIS, JIM

DATE	#ARTIS #	JIMS GRIEVANCE NO.	REPLY
12/31/06	4896	74000171	NO REPLY
1/24/07	3033		NO REPLY
5/4/07	3762	74000995	NO REPLY
6/8/07	5445		NO REPLY
6/11/07	5871		NO REPLY
6/15/07	5871		NO REPLY
6/27/07	9224		NO REPLY
6-29-07	6562	Plaintiff scheduled # 6-29-07 For Doctor. "Prescheduled court"	
	Plaintiff Refiles Grievance, SEEN 6-30-07 # SEE Medical Report		

ATTENTION # 74000171 SUMMARY: PLAINTIFF ALLEGES HE IS DEPRIVED OF PROPER MEDICAL ATTENTION, AND MEDICAL APPOINTMENTS ARE SCHEDULED ON PLAINTIFF COURT DATES. # REPLY BY DEFENDENTS IS AS FOLLOWED THAT PLAINTIFF HAS APPOINTMENT TO SEE SPECIALIST. ALSO APPOINTMENT ON COURT DATES ARE NOT INTENTIONALLY DONE. BUT WAS DONE ON MORE THE ONE OCCASION.

NOTE THIS GRIEVANCE WAS 1-24-07 DATE FILE 12-30-06

THIS IS A 10 DAY PROCESS, TOOK 25 DAYS. "GRIEVANCE REPORT NO 74000995" SUMMARY: PLAINTIFF ALLEGES SERIOUS PAIN BOTH LEGS/HIPS AND ANKLES. "STATEMENT I HAVE SEVER PAIN, CAN'T SLEEP, IT STARTED ON 4/00/07 5-1-07 SEE ATTENTION 02"

SEC C

Plaintiff alleges that specialized for  
 individual, use a form of Retaliation.  
 At the GBDF, Plaintiff was placed in Medical  
 Isolation ON 1/24/07, ONE DAY AFTER GRIEVANCE  
 WAS RETURNED. "ON Friday 1/26/07 I was told  
 To Roll-up, To Be Released" To the Jail Isolation  
 UNIT For the 2ND TIME, SAME REASON.  
 Defendant states Action taken for Medical Reason  
 stating that Plaintiff had "T.B", Tuberculosis=  
 A COMMUNICABLE disease of humans that is caused by a  
 MICROORGANISM AND By lesions of the Lung."  
 Plaintiff WAS LEFT IN ISOLATION for 13 DAYS. Thus AGAIN  
 MISSING APPT AT USDO. I WAS TOLD A Sheriff staff member, NO  
 TRAVEL UNTIL I WAS medically cleared, Plaintiff had  
 Already BEEN Medical cleared the FIRST TIME HE  
 SPENT 7 DAYS IN Medical Isolation, while given  
 THE SAME BLOOD TEST 6 TIMES, PLAINTIFF ALLEGES  
 THAT THIS AGAIN WAS A DENIAL of Due Process, Also  
 CRUEL AND UNUSUAL PUNISHMENT, A REVIEW of Medical  
 Records will show. Plaintiff had BEEN TESTED, AND cleared  
 IN Dec- of 06. At the medical facility, Please Refer to  
 INMATE Medical Record, Complaint EXKNOWLEDGES THE  
 medical finding IN medical Report DATED 6-30-07  
 INMATE patient suffers FROM ADVANCED STAGES  
 of Degenerative Joint Disease of Left hip; INMATE  
 patient pain medication is INCREASE IN strength AND  
 TYPE. AGAIN Dr states that surgery is needed. To Refer  
 to Orthopedic, IN All past Appointment with ortho.  
 specialist AGREE the surgery is needed! But Not scheduled  
 For Defendant 1-2 Refusing to APPROVE Funding!

JS44

(Rev. 07/89)

## CIVIL COVER SHEET

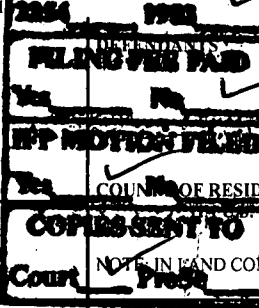
The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. Except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM)

## I (a) PLAINTIFFS

Robert J. Forte

SD County Sheriff et al US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN 17 PM 2:43

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF CASES ONLY

BY Rm DEPUTY

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Robert J. Forte  
PO Box 122952  
San Diego, CA 92112  
6456501

## ATTORNEYS (IF KNOWN)

'08 CV 1073 BEN JMA

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |                            |                            |                            |                            |
|----------------------------|----------------------------|----------------------------|----------------------------|
| PT                         | DEF                        | PT                         | DEF                        |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
- Citizen of This State  
Incorporated or Principal Place of Business in This State
- Citizen of Another State  
Incorporated and Principal Place of Business in Another State
- Citizen or Subject of a Foreign Country  
Foreign Nation

## IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights		

## VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

## DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

## VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 6/17/2008

SIGNATURE OF ATTORNEY OF RECORD